



VIA EXPRESS MAIL NO. EL704725772US
Date of Mailing: April 17, 2001

Attorney Docket No. 97RSS561RE
Akin Gump No. 044368.0461

(3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Nir Tal, et al
Filed: January 26, 2001
Serial No.: 09/771,010
For: COMMUNICATION SYSTEM
WHICH DYNAMICALLY SWITCHES
SIZES OF SAMPLE BUFFER
BETWEEN FIRST SIZES FOR QUICK
RESPONSE TIME AND SECOND SIZE
FOR ROBUSTNESS TO INTERRUPT
LATENCY

§ Art Unit: 2782

§ Examiner: Not Yet Assigned

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MAY 07 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

DECLARATION BY INVENTOR, ZEEV COLLIN,
ON BEHALF OF INVENTORS

WHO REFUSE TO SIGN OR CANNOT BE REACHED PURSUANT TO 37 CFR 1.47(a)
(Reissue Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed in **Patent No. 5,864,714, granted January 26, 1999**, and for which a reissue patent is sought on the invention entitled:

**COMMUNICATION SYSTEM WHICH DYNAMICALLY SWITCHES SIZES
OF SAMPLE BUFFER BETWEEN FIRST SIZE FOR QUICK RESPONSE TIME
AND SECOND SIZE FOR ROBUSTNESS TO INTERRUPT LATENCY**

the specification of which was filed on April 16, 1996 as U.S. patent application No. 08/632,931.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

FOREIGN PRIORITY APPLICATION(S)

		<u>Priority Claimed</u>
None		<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Day/month/year filed)

I verily believe the original patent to be wholly or partially inoperative or invalid, by reason of the patentee claiming more or less than he had the right to claim in the patent. At least one excess or insufficiency in the original claims involves unduly narrow reference the balance between response time and system latency.

All errors sought to be corrected in this reissue application up to the time of filing this declaration arose without any deceptive intention on my part or on the part of the applicant.

I, Zeev Collin, am an inventor of the above-referenced patent application and hereby declare that I am a citizen of Israel residing at 15 Clove Blossom, Irvine, CA 92604 USA.

I am a person with sufficient interest in this patent application and am authorized by Conexant Systems, Inc., 4311 Jamboree Road, Newport Beach, CA 92660-3095, to sign this declaration on behalf of, and as agent for the below named inventor who cannot be found or reached.

First Named Inventor (omitted inventor):
Citizenship: _____

Inventor: Ron Cohen

Last Known Address of Omitted Inventor:

4 Radak Street;
Ramat Hasharon 47208 Israel

Upon information and belief, I aver those facts which the non-signing inventor is required to state. Accompanying this declaration to establish proof of pertinent facts and to show such action is necessary to preserve the rights of the parties or to prevent irreparable damage are the following:

1. Declaration by Sharley Torri of Facts in Support of Filing on Behalf of Omitted Inventors;
2. Petition; and
3. Petition fee in the amount set for the in § 1.17(h).

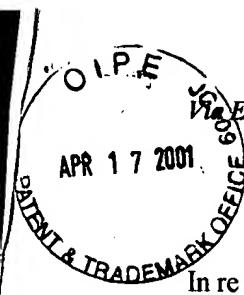
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Third Named Inventor

Date: April 12, 2001

By: Z. C. T. C.
Name: Zeev Collin

Residence: Irvine, CA
Citizenship Israeli
Post Office Address: 5 Clove Blossom;
Irvine, CA 92604



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§ DEPUTY A/C PATENTS

§ Examiner: Not Yet Assigned

DECLARATION BY SHARLEY TORRI OF FACTS
IN SUPPORT OF FILING ON BEHALF OF INVENTORS
WHO REFUSE TO SIGN OR CANNOT BE REACHED PURSUANT TO 37 CFR 1.47(a)
(Reissue Application)

This declaration is made as to the exact facts which are relied upon to establish the diligent effort made to secure the execution of the Declaration and Power of Attorney by the inventors who have refused to sign or cannot be reached for the above-referenced patent application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by the available person having first-hand knowledge of the facts recited herein:

Sharley Torri
Conexant Systems, Inc.
4311 Jamboree Road
Newport Beach, CA 92660

Identification of Person Making this Declaration of Facts

This Declaration is being made by Sharley Torri, residing at 1 Coronado Cay Lane, Aliso Viejo, CA 92660. I am presently a legal assistant with Conexant Systems, Inc., in Newport Beach, CA. In relation to the above-referenced patent application, I do hereby declare:



Facts

- 1) I have been directly involved with efforts to secure formal paperwork, including a Declaration, executed by Ron Cohen, one of the joint inventors for the above-referenced patent application.
- 2) I contacted Ms. Eti De-Leon at our Human Resources international office to request assistance in locating Mr. Cohen at his last known address and to secure a copy of his employment agreement. I was informed that Mr. Cohen was never a Rockwell/Conexant employee - he was the owner of the company that Rockwell (now Conexant) acquired people from, therefore there would be no employment agreement on file. I was also give Mr. Cohen's last known address. See Exhibit A attached hereto.
- 3) At least one bonafide attempt was made to present a copy of the application papers (specification, including claims, drawings and declaration) to the omitted inventor for signature mailed on March 27, 2001 via Federal Express (Fed Ex Tracking No. 817224966204). A copy of the Federal Express Receipt is attached hereto as Exhibit B. The package was returned by Federal Express as undeliverable. Mr. Cohen was no longer at that address and to date, we have not received a response from Mr. Cohen. The last known address for Mr. Ron Cohen is 4 Radak Street, Ramat Hasharon 47208 ISRAEL.
- 4) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 11, 2001

By: Sharley Torri
Sharley Torri
Title: Legal Assistant

Residence: 1 Coronado Cay Lane
Aliso Viejo, CA 92660
Citizenship: USA
Post Office Address: Same

IP Legal Assistant
Conexant Systems, Inc.
4311 Jamboree Road
Department 927, E08 803
Newport Beach, California 92660
949-483-3204 (tel)
949-483-3206 (fax)
e-mail: sharley.torri@conexant.com

----- Forwarded by Sharley D Torri/USA/Conexant on 03/29/01 10:31 AM -----



Eti De-Leon
03/28/01 12:06 AM

To: Sharley D Torri/USA/Conexant@CNXT
cc:
bcc:
Subject: Request for Assistance

Hello Sharley:

Ron Cohen was never a Rockwell/Conexant employee - he was the owner of the company that Rockwell at the time acquired people from him... still I can approach to him because he is sitting in offices across our offices. His Tel: 972-9-9566656

As for Nir Tal: long ago since he left the company... his telephone no is: 972-52-683294

Let me know if you need any farther assistance. Eti

Eti De-Leon

Mindspeed Technologies Israel LTD

Human Resources Manager

11 Galgaley Haplada st. Herzelia

Phone: 972-9-9615101

Fax: 972-9-9615188

Cel: 972-54-307477

----- Forwarded by Eti De-Leon/Intl/Conexant on 28/03/01 09:06 -----



Sharley D Torri
03/27/01 07:41 PM

To: Ruth Hilmer/Intl/Conexant@CNXT
cc:
Subject: Request for Assistance

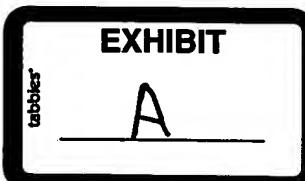
Hello Ruth. It has been quite awhile since we corresponded. But, here I am again with a request for assistance.

Two gentlemen left the facility in Israel and we need their signatures on a Declaration for a patent application. If you have a last-known address/location for these gentlemen, that would be helpful. If not, we will need a copy of their Employment Agreements that can be filed with the Patent and Trademark Office to prove that they were employees during the prosecution of this application.

The two gentlemen are Ron Cohen and Nir Tal.

Any assistance you can provide would be much appreciated.

Best regards,
Sharley Torri



IP Legal Assistant
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949-483-3206 (fax)
e-mail: sharley.torri@conexant.com

BEST AVAILABLE COPY

